IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.674 OF 2003
IN
SUMMARY SUIT NO.225 OF 2003

Ratan Lath HUF Plaintiff

versus

Purushottamlal M. Rungta Defendant

S.P.Dalal i/by Dalal & Co. for plaintiff.

D.D.Madon with Deyri Colobawala i/by Madekar & Co. for defendant no.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd June 2005

PC :

1. Heard Mr.Dalal for plaintiff and Mr.Madon for defendant. Perused the plaint and the annexures thereto.

2. In the affidavit in reply, apart from the fact that defendant denies having signed the statement, additionally, issue of limitation is also raised. Further issue raised on affidavit is pertaining to the genuineness of the Power of Attorney on the strength of which present suit is instituted. All these aspects raise triable

issues. Further, the plaintiff has recovered a sum of Rs.10.00 lakh. This is a fit case where unconditional leave should be granted. Suit transferred to the list of commercial causes.

(S.C.DHARMADHIKARI, J.)